

Attorney's Docket: 026039-0362798

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:

Confirmation Number: 8244

Frederick Enright et al.

Application No.: 10/617,561

Group Art Unit: 1647

Filed: July 11, 2003

Examiner: Dang, Ian D.

For: Genes Encoding Hormone and Lytic Peptides

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. Section 1.321(c))**

**Identification of Person(s) Making This Disclaimer**

I, ROBERT M. BEDGOOD, represent that I am the attorney of record.

**EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

**DISCLAIMER  
(Obviousness-Type Double Patenting Rejection Over A Patent)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on application no. 10/617,561, which would extend beyond the expiration date of any patent granted on Patent No. 6,635,740, issued on October 21, 2003, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on application no. 10/617,561 shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on application no. 10/617,561 and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on application no. 10/617,561 that would extend to the expiration

date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Patent No. 6,635,740, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g., corporation, partnership, university, Government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

**DISCLAIMER FEE (37 C.F.R. Section 1.20(d))**

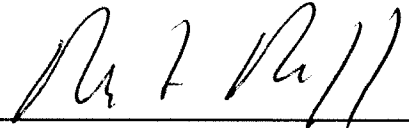
Small entity--fee \$70.

**FEE PAYMENT**

Charge Deposit Account No. 033975 the sum of \$70.

A duplicate of this disclaimer is attached.

Date: February 27, 2009  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
12255 El Camino Real  
Suite 300  
San Diego, CA 92130-4088  
Tel. No. (858) 509.4065  
Customer Number: 27500

  
\_\_\_\_\_  
ROBERT M. BEDGOOD  
Registration No. 43,488